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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,289	04/05/2005	Tatsuya Igarashi	0649-1070PUS1	7753

2292 7590 03/11/2008
BIRCH STEWART KOLASCH & BIRCH
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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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03/11/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/530,289	Applicant(s) IGARASHI ET AL.	
	Examiner Dawn Garrett	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-14-05; 4-5-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

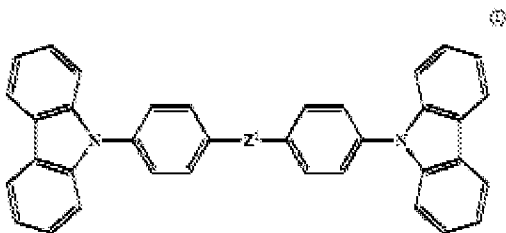
1. This application is a 371 of PCT/JP03/17048. Claims 1-12 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

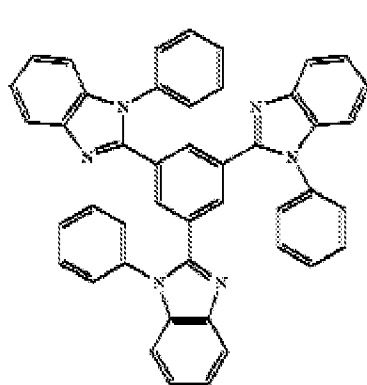
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2002/0125818 A1). Sato et al. discloses organic electroluminescent devices comprising, between an anode and a cathode, a light emitting layer comprising a host material having an electron-transporting or hole-transporting property and a compound capable of phosphorescence (see abstract). Suitable host compounds include those according to general formula I (see par. 52), which include the more specific compound CBP (per claims 6-8):



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Other host material includes electron transporting compounds such as TPBI per claims 9, 10 and 12 (see page 30, top of second column):



Sato et al. discloses a plurality of host materials may be used together (see page 30, par. 128). Phosphorescent dopant may include iridium compounds such as Ir(ppy)₃ (see par. 134-150). Compounds CBP, TPBI and Ir(ppy)₃ are all within the parameters of those claimed by applicant and are used in the instant examples. Accordingly, the compounds are considered to satisfy the properties set forth in the claims as they read upon the compounds disclosed by applicant. Although Sato et al. is silent with respect to examples showing a hole-transporting host and electron-transporting host used in combination according to the instant claims, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a luminescent layer comprising a mixture of host materials and a phosphorescent dopant, because Sato et al. clearly teaches a plurality of host materials may be used together.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2002/0125818 A1) in view of Ise et al. (US 6,962,755). Sato et al. is relied upon as set forth above. Sato et al. discloses organic electroluminescent devices comprising,

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between an anode and a cathode, a light emitting layer comprising a host material having an electron-transporting or hole-transporting property and a compound capable of phosphorescence (see abstract). Also, Sato et al. discloses a plurality of host materials may be used together (see page 30, par. 128). Sato et al. is silent with respect to specifically disclosing an electron-transporting host according to the formula set forth in claim 11, but does teach other azoles such as TPBI. Ise et al. teaches in analogous art compounds according to formula A-III (see col. 13) and more specifically compounds such as A-19 (see Table 1) as electron transporting material for an EL device. It would have been obvious to one of ordinary skill in the art to have selected the azole compounds taught by Ise et al. for the Sato et al. host material, because one would expect the Ise et al. electron transporting azole compounds to be similarly useful as an electron transporting material in the Sato et al. device.

Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at 1396). Accordingly, since the applicant has submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established

functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dawn Garrett/
Primary Examiner, Art Unit 1794

February 27, 2008